

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1500 OF 2021

Harsh Rameshkumar Thakkar Applicant

Versus

The State of Maharashtra Respondent

Mr.Sunny A. Waskar, for the applicant.

Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 5th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 135 of 2021 registered at Vashi Police Station, under sections 109 and 420 of the Indian Penal Code, under section 66-D of the Information Technology Act, 2000 and under Section 12-A of the Maharashtra Prevention of Gambling Act, 1887.

2. Heard Mr. Sunny Waskar, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the

State.

3. The FIR is lodged by one Paras Gandhi. He has stated that his minor nephews Ansh and Aayush aged about 17 years were staying with him during the lock down period. In April 2021, the informant came to know that both these young boys had sent money through PhonePay account for placing bets on IPL matches. They had received information about acceptance of such payment on Instagram ID IPL- BADSHAAH 2021. Those young boys had paid Rs. 40,000/-. They made a phone call to the mobile number given on the Instagram ID. Receiver of the call had induced those boys to make payment. After the money was paid, the receiver of the call refused to return the money and forced them to continue placing bets in IPL matches. The informant made further inquiry and he came to know that the said Instagram ID had more than 1500 followers and they were mostly in of the age group between 18 to 25. years. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the applicant is not responsible for this transaction. The main accused in whose accounts the money is given are his friends. He submitted that the applicant is falsely implicated in this case. The applicant is young boy of 21 years of age and is a college going student. He submitted that Section 420 of the I.P.C. is not made out. He further submitted that there was no transaction between the applicant and co-accused. He submitted that Section 12-A of the Maharashtra Prevention of Gambling Act, is bailable.

5. Learned APP strongly opposed this application. She submitted that two co-accused i.e. Monish Chauhan and Sanket Joshi are arrested. Both of them had specifically named the present applicant as the person who had taught them to use that application and procedure to accept IPL betting from Instagram users. She submitted that the the investigation paper shows that Monish and the present applicant had monetary

transaction even in April 2021. She submitted that to unearth roots of this conspiracy, applicant's custody is necessary.

6. I have considered these submissions. The offence is serious. In this case the offence under section 420 of IPC is made out. FIR itself shows that after the victims were induced into making payment, they were refused any returns. The allegations are that the present applicant had taught other accused how to operate Instagram ID and how to accept the money. The case diary produced before me shows that accused Monish Chavan has stated before Police that the applicant had given him this idea of getting money from people. According to him, the applicant himself had cheated many people in such manner. Monish had accepted the amount on his PhonePay account but he had misappropriated that amount. Similar is the statement of the other co-accused Sanket Joshi.

7. Thus the applicant's role is clearly made out. The investigating officer has produced investigation papers which shows that there was monetary transaction between the applicant and Monish. A Mobile phone was recovered from the applicant and the same application was found on his mobile phone. Therefore, considering the seriousness of the offence, custody of the applicant isnecessary to unearth the conspiracy, to find out total amount involved and the number of victims who are duped. Hence, no case for anticipatory bail is made out.

The application is rejected.

(SARANG V. KOTWAL, J.)